

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE SENATE

SENATE BILL NO. 1030

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE STATE BOARD OF CORRECTION; AMENDING SECTION 20-209, IDAHO CODE, TO GRANT THE STATE BOARD OF CORRECTION THE AUTHORITY TO PROVIDE OR FACILITATE CERTAIN RESEARCH-BASED REHABILITATIVE SERVICES FOR INCARCERATED AND COMMUNITY-BASED OFFENDERS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 20-209, Idaho Code, be, and the same is hereby amended to read as follows:

20-209. CONTROL AND MANAGEMENT OF CORRECTIONAL FACILITIES AND PRISONERS -- REHABILITATIVE SERVICES -- RULES. (1) The state board of correction shall have the control, direction and management of such correctional facilities as may be acquired for use by the state board of correction and all property owned or used in connection therewith, and shall provide for the care, maintenance and employment of all prisoners now or hereinafter committed to its custody.

(2) The state board of correction may provide or facilitate research-based rehabilitative services at the discretion of the Idaho department of correction and as resources permit for incarcerated and community-based offenders. The rehabilitative services may include programs for behavioral modification, education, vocational education, sexual offenders, substance abuse, gender responsive programs and other programs that correctional research supports reduction of risk for offender populations. Nothing contained in this subsection shall create any right to rehabilitative services.

(3) The state board of correction shall have the authority to enter into contracts with private prison contractors for the site selection, design, design/building, acquisition, construction, construction management, maintenance, leasing, leasing/purchasing, management or operation of private prison facilities or any combination of those services subject to the requirements and limitations set forth in section 20-241A, Idaho Code.

(34) The state board of correction shall have the authority to promulgate rules required by law or necessary or desirable to carry out all duties assigned to the department of correction pursuant to the provisions of chapter 8, title 20, Idaho Code, which authority shall include the power and duties to prescribe standards, rules and procedures for licensure of private prison contractors, to develop and provide, in conjunction with the department of administration, a uniform contract for use by local contracting authorities in contracting with private prison contractors, to review records and historical information of all prisoners proposed to be housed in private prison facilities and to approve or reject the housing of all prisoners, to monitor the status of insurance of private prison contractors, to approve suitable training programs for firearm certification for employees of private prison contractors and to approve suitable drug testing programs for

1 prisoners housed with private prison contractors. All final decisions by
2 the board shall be subject to review pursuant to the provisions and proce-
3 dures of the administrative procedure act, chapter 52, title 67, Idaho Code.

4 (45) The state board of correction is authorized to provide medical
5 and counseling services to those prisoners who have been exposed to the
6 HIV (human immunodeficiency virus) which causes acquired immunodeficiency
7 syndrome (AIDS) or who have been diagnosed as having contracted a human im-
8 munodeficiency viral disease.

9 (56) The state board of correction should provide educational and in-
10 formational services to prisoners housed in Idaho and to its department em-
11 ployees in order to assure that the transmission of HIV within correctional
12 facilities is diminished.